

# BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

## REGULAR MEETING

**MAY 21, 1008**

**7:30 PM COURTHOUSE COUNCIL CHAMBERS**

## ROLL CALL

## PRAYER

**APPROVAL OF THE MINUTES OF THE  
REGULAR MEETING OF MAY 7, 2008  
AND THE SPECIAL MEETING OF MAY 14, 2008**

**ITEMS NOT ON THE AGENDA –  
SUSPENSION OF THE RULES**

**PUBLIC COMMENT ON ANY  
PUBLIC MATTER NOT ON THE AGENDA**

## CHIEF EXECUTIVE'S REPORT

## SECTION I

**PRESENTATION  
COMMUNICATION NO. 08-282**

Ellen Crain, Archives Director, requesting time on the 5/21/08 agenda to make a presentation regarding activities on the Archives Building Project.

## SECTION II

# INVITATION FOR BIDS

SEALED BIDS FOR THE NEW HYDRAULIC EXCAVATOR. (Communication No. 08-351) Proof of publication

## SECTION III

## CONSENT AGENDA

- A.**
1. COMMITTEE OF THE WHOLE MEETING REPORT
  2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
  3. JUDICIARY COMMITTEE MEETING REPORT
  4. PUBLIC WORKS COMMITTEE MEETING REPORT

**B. COMMUNICATIONS**

1. 08-351 Dan Dennehy, Assistant Public Works Director, requesting time on the 5/21/08 agenda for the purpose of opening bids for new hydraulic excavator. **Recommendation: schedule public hearing and hold in Committee of the Whole.**
2. 08-352 Karen Byrnes, Director URA, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
3. 08-353 John C. VanDaveer, Public Works Director, requesting authorization for Chief Executive to enter into contract with DYK, Inc. for design and construction of high service replacement tank. **Recommendation: concur and place on file.**
4. 08-354 Linda Quakenbush, Helsinki Yacht Club, requesting closure of Covert Street from Park to Broadway and Ohio from Broadway to Granite Street for Helsinki Car Show scheduled for June 21 to the 22<sup>nd</sup>. **Recommendation: send through process and hold in Committee of the Whole.**
5. 08-355 Paul Babb, Chief Executive, requesting concurrence in appointment of Greg Ebner to the Weed Board. **Recommendation concur and place on file.**
6. 08-356 George Everett, Executive Director Mainstreet Uptown Butte, requesting Hard Rock Mining Trust Reserve Fund Economic Development Funding for the National Folk Festival. **Recommendation: refer to Committee of the Whole.**
7. 08-357 Ken Weber, Chairman Jefferson Co. Board of Commissioners, requesting a letter of support for Jefferson County's Reclamation and Development Grants Program Application for ground water assessment. **Recommendation: authorize a letter of support from Chief Executive Babb and place on file.**
8. 08-358 Karen Byrnes, Director TIFID, requesting public hearing be scheduled 5/28/08 for Developer's Packet proposals related to the construction of a transportation facility located in TIFID #2. **Recommendation: schedule public hearing and hold in Committee of the Whole.**
9. 08-359 Terry Vaughn, Unit Fire Supervisor, requesting authorization for Chief Executive to sign Butte-Silver Bow Cooperative Fire Management Plan Cooperative Fire Control Agreement and

2008 Annual Operating Plan located in TIFID #2.

**Recommendation: concur and place on file.**

10. 08-360 Dan Dennehy, Assistant Public Works Director, requesting authorization for Chief Executive to enter into contract with LeProwse Construction for labor, materials equipment and services necessary to complete sidewalks and curbs for this fiscal year. **Recommendation: concur and place on file.**
11. 08-361 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
12. 08-363 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to enter into contract with the Montana Department of Commerce. **Recommendation: concur and place on file.**
13. 08-364 Debra Williams and Bob Lee, Justices of the Peace, requesting authorization for Chief Executive to sign maintenance contract with Lee's Office City. **Recommendation: concur and place on file.**
14. 08-365 Cindy Stergar, CEO Community Health Center, requesting letter of support for a grant for Community Health Center. **Recommendation: authorize Chief Executive Babb to write a letter of support and place on file.**
15. 08-366 Jon Sesso and Karen Byrnes, requesting authorization for Chief Executive to sign change orders to design and construct Additional sidewalks under MDT-CTEP Project. **Recommendation: concur and place on file.**
16. 08-367 John C. Van Daveer, Director of Public Works Department, requesting authorization for Chief Executive Babb to execute material supply agreement for Northwest Pipe Fittings, Inc. **Recommendation: concur and place on file.**
17. 08-368 John P. Walsh, Sheriff, approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
18. 08-369 Karen Byrnes, Director Community Development Department, requesting council instruct County Attorney to prepare a resolution and easement agreement for cathodic protection system and authorize Chief Executive to execute this easement. **Recommendation: refer to County Attorney for resolution**

**and easement agreement and hold in Committee of the Whole.**

19. 08-370 Jon Sesso, Planning Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
20. 08-371 Jeff Amerman, Finance and Budget Director, requesting authorization for Chief Executive to sign 3 contracts for City-County's credit/debit card processing system for the Civic Center, Detention Center, Health Department and Water Utility Division. **Recommendation: concur and place on file.**
21. 08-372 Roger Ebner, DES Coordinator, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
22. 08-373 Rick Larson, Director Health Department, requesting authorization for Chief Executive to sign two contracts between BSB Health Department and private entities. **Recommendation: concur and place on file.**
23. 08-374 Mike McCourt, Johnson Controls, requesting time on the June 4, 2008 agenda to present a power point of the benefits of the benefits of energy performance contracting. **Recommendation: schedule presentation for June 4<sup>th</sup> Agenda and hold in Committee of the Whole.**
24. 08-375 James Manning, Chairman Greenway Service District, requesting concurrence with bid award recommendation for Silver Bow Creek Greenway Trail to H & H contracting, Inc. **Recommendation: concur and place on file**

**SECTION IV                      ORDINANCES AND RESOLUTIONS –  
FINAL PASSAGE**

## 1. COUNCIL RESOLUTION NO. 08-26

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS A PARCEL OF GROUND IN THE RAVIN ADDITION, BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**2. COUNCIL RESOLUTION NO. 08-28**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE HOMESTAKE MEADOWS PHASE II MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HER

**3. COUNCIL RESOLUTION NO. 08-31**

A RESOLUTION RELATING TO \$7,500,000 GENERAL OBLIGATION BONDS, SERIES 2008; AUTHORIZING THE ISSUANCE AND CALLING FOR PUBLIC SALE THEREOF.

**4. COUNCIL RESOLUTION NO. 08-32**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF COMMERCE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE OF INFRASTRUCTURE IMPROVEMENTS TO THE BUTTE EMERGENCY FOOD BANK BUILDING AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION V ORDINANCES AND RESOLUTIONS –  
FOR SUSPENSION OF THE RULES**

**1. COUNCIL RESOLUTION NO. 08-35**

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR A MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED.

**2. COUNCIL RESOLUTION NO. 08-36**

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR A MONTANA COMMUNITY DEVELOPMENT BLOCK

GRANT UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED.

**3. COUNCIL RESOLUTION NO. 08-37**

A RESOLUTION AUTHORIZING AND APPROVING THE ADOPTION OF CERTAIN DEVELOPMENT CONDITIONS TO BE PERFORMED BY UDAP INDUSTRIES, INC IN CONNECTION WITH THE APPROVAL OF A TAX BENEFIT FOR NEW AND EXPANDING OPERATIONS WITHIN THE CITY-COUNTY OF BUTTE-SILVER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VI CALENDAR OF OTHER MEETING AND EVENTS**

May 28	Local Emergency Planning Committee	Noon	1 <sup>st</sup> Floor Conference Room
May 28	Urban Revitalization	9 AM	Chief Executive's Conference Room
May 28	Port of Montana	Noon	Hub Center
May 29	Planning Board	7 PM	Council Chambers
June 2	Airport Authority	Noon	Bert Mooney Airport
June 3	Historic Preservation Commission	Noon	Health Department
June 3	Weed Board	7 PM	Weed Department
June 4	Butte Aids Support Services	7 PM	Community Center
June 4	Health Department	7 AM	Health Department
June 4	TIFID Board	11:30 AM	Business Development Center
June 5	Civic Center	5 PM	Civic Center Hospitality Room
June 5	Zoning Board of Adjustment	5:30 PM	Council Chambers

**ADJOURN**\_\_\_\_\_

# **COMMITTEE OF THE WHOLE MEETING REPORT**

## **MAY 14, 2008**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

### **SECTION I INVITATION FOR BIDS**

**SEALED BIDS FOR SILVER BOW CREEK GREENWAY TRAIL CONSTRUCTION. (Communication No. 08-268) Proof of publication was noted and placed on file.**

Dori Skrukrud opening the following bids

Jim Gilman, Excavating, 3099 Grand Avenue, Butte	\$685,740.93
H & H Contracting, Inc, 501 Centennial Ave., Butte	\$665,319.00
Hollow Contracting, 404 Greenwood Ave., Butte	\$813,610.10

**It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to refer the 3 bids to the Greenway Service District Board for review and report back to Council**

### **SECTION II PUBLIC HEARING**

**FOR THE PURPOSE OF SOLICITING PUBLIC COMMENTS REGARDING DEVELOPER'S PACKET PROPOSALS FOR THE VACANT PROPERTY LOCATED IN THE 400 BLOCK OF E. PARK STREET. (Communication No. 08-307) Proof of publication was noted and place on file.**

Dori Skrukrud gave a staff report. There were six letters of support from:

Marco Lucich  
Brian Harris  
Ken Bage  
Herb Leuprecht  
Mary Lou Jones  
Jim Smitham

There was no opponents

### **SECTION III**

### **PUBLIC HEARING**

FOR THE PURPOSE OF SOLICITING PUBLIC COMMENTS REGARDING DEVELOPER'S PACKET PROPOSALS FOR 716 AND 718 S. WYOMING STREET. **(Communication No. 08-308) Proof of publication was noted and placed on file.**

Dori Skrukrud gave the staff report. Claude Oulman came forth as a proponent and there were no opponents.

### **SECTION III-A**

### **PUBLIC HEARING**

FOR THE PURPOSE OF SOLICITING PUBLIC COMMENTS REGARDING DEVELOPER'S PACKET PROPOSALS FOR 715 UTAH AVE. (BUD'S BAR) **(Communication No. 08-309) Proof of publication was noted and placed on file.**

Dori Skrukrud gave the staff report. Claude Oulman spoke as a proponent and there were no opponents.

### **SECTION III-B**

### **PUBLIC HEARING**

FOR THE PURPOSE OF SOLICITING PUBLIC COMMENTS REGARDING DEVELOPER'S PACKET PROPOSALS FOR 621 W. QUARTZ  
**Proof of publication was noted and placed on file**

Dori Skrukrud gave the staff report.

Speaking as proponents were:

David Barth, 3825 Green Lane  
Thomas Mize  
Raymond Doolittle, 306 S. Excelsior

Linda Herrera spoke as an opponent



## SECTION IV

## INVITATION FOR BIDS

SEALED BIDS FOR MATERIALS/PRODUCTS FOR WATER DISTRIBUTION MAINS. **(Communication No. 08-319) Proof of publication was noted and placed on file.**

John VanDaveer, Director of the Public Works Department opened one bid from Northwest Pipe Fitting in the amount of \$158,216.67.

**It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal to refer the lone bid to the Public Works Department for review and report back.**

## SECTION V

## PRESENTATION COMMUNICATION NO. 08-349

Michele Miles, President World Museum of Mining, regarding consolidation of County wide mine yard assets and schedule a presentation for 5/14/08.

Michele Miles told the council that the Orphan Girl in one of the few mineyards not owned by Butte Silver Bow and the inclusion of the Orphan Girl Mineyard and the other county holdings would guarantee its survival for generations to come. The World Museum was the first effort in historical preservation in Butte-Silver Bow. In 1963 the Exchange Club began the task of building Hell Roaring Gulch, a replica of the mining town as it was in the early 1900's. The Mining Museum volunteers conduct tours of the Anselmo Mineyard which is owned by the County, but without the museums' volunteers, there would be no tours. On the grounds of the Anselmo are the cow and calf which are on loan from the museum. When the museum is owned by the county, it will be easy to showcase the history of mining and Butte.

Tracy O'Neill came to the microphone and said they were hoping to gain their support as a council to really build the tourism and economic development that Butte-Silver Bow has to offer.

Chairman O'Leary said they have talked about an ad Hoc committee and he is sure Mr. Babb will appoint one.

## SECTION VI

## COMMUNICATION NO. 07-669

Donald L. Kronenberger, Sr., requesting council grant annexation of the Fish Creek/Little Fish Creek drainage strip off Hwy 41 into the Jefferson Valley Rural Fire District. ***Committee recommends that Communication No. 07-669 be held in abeyance.***

**SECTION VII****COMMUNICATION NO. 07-259**

Jean Pentecost, Water Utility Division, requesting authorization for Chief Executive to enter into agreement with Richardson Family Trust for a land exchange. *Committee recommends that Communication No. 07-259 be held in abeyance.*

**SECTION VIII****COMMUNICATION NO. 08-75**

Robert A. Macioroski, Director, requesting council direct county attorney to prepare a resolution and deed for transfer of co-owned property. *Committee recommends that Communication No. 08-75 be held in abeyance.*

**SECTION IX****COMMUNICATION NO. 08-173**

Jon C. Sesso, Planning Director, requesting time on 3/26 agenda for a presentation on the preliminary design for the North Harrison Avenue reconstruction project. *Committee recommends that Communication No. 08-173 be held in abeyance.*

**SECTION X****COMMUNICATION NO. 08-203**

Frank Walsh, An Ri Ra Montana Irish Festival, requesting permission to close Park Street from Montana to Main 8, 9 and 10<sup>th</sup> for An Ri Ra Festival. *Committee recommends that Communication No. 08-203 be held in abeyance.*

**SECTION XI****COMMUNICATION NO. 08-239**

George Everett, Executive Director, requesting permission to close Main Street between Park and Broadway to hold Farmers' Market from 9 AM to 1 PM May 31st through September 27, 2008. *Committee recommends that Communication No. 08-239 be held in abeyance.*

**SECTION XII****COMMUNICATION NO. 08-260**

Kevin D. Curtis, Two Rivers GMB, IWW, requesting permission to set up a booth at the Miners #1 Union Hall Memorial during National Folk Festival, July 11-13<sup>th</sup>. *Committee recommends that Communication No. 08-260 be placed on file.*

**SECTION XIII****COMMUNICATION NO. 08-262**

Ed Randall, Community Enrichment Coordinator, requesting time on the May 7, 2008 to make a presentation on the Community Enrichment Program for years 2006-2008. *Committee recommends that Communication No. 08-262 be placed on file.*

**SECTION XIV****COMMUNICATION NO. 08-268**

James M. Manning, Chairman Greenway Service District, requesting a bid opening on 5/7/08 for Silver Bow Creek Greenway Tail Construction. **Committee recommends that Communication No. 08-268 be placed on file.**

**SECTION XV****COMMUNICATION NO. 08-274**

Jon Sesso, Planning Director, requesting time on 4/16/08 agenda for a staff presentation on draft plan for long-term future of the Natural Resource Damage Program. ***Committee recommends that Communication No. 08-274 be held in abeyance.***

**SECTION XVI****COMMUNICATION NO. 08-282**

Ellen Crain, Archives, Director, requesting time on 5/21/08 agenda to make a presentation regarding activities on the Archives Building Project. ***Committee recommends that Communication No. 08-282 be held for presentation 5/21/08***

**SECTION XVII****COMMUNICATION NO. 08-307**

Karen Byrnes, Director Community Development Department, requesting time on 5/14/08 agenda to conduct a public hearing regarding developer's packet proposals for 400 block of E. Park Street. ***Committee recommends that Communication No. 08-307 be placed on file.***

**SECTION XVIII****COMMUNICATION NO. 08-308**

Karen Byrnes, Director Community Development Department, requesting time on 5/14/08 agenda to conduct a public hearing regarding developer's packet proposals for 716 and 718 S. Wyoming Street. ***Committee recommends that Communication No. 08-308 be placed on file.***

**SECTION XIX****COMMUNICATION NO. 08-309**

Karen Byrnes, Director Community Development Department, requesting public hearing be scheduled for 5/14/08 regarding developer's packet proposals for 715 Utah Avenue (Bud's Bar) ***Committee recommends that Communication No. 08-309 be placed on file.***

**SECTION XX****COMMUNICATION NO. 08-310**

Karen Byrnes, Director Community Development Department, requesting time on 5/14/08 agenda to conduct a public hearing to solicit comments on proposals submitted for 621 W. Quartz Street. ***Committee recommends that Communication No. 08-312 be placed on file.***

**SECTION XXI****COMMUNICATION NO. 08-312**

Karen Byrnes, Director Community Development Department, requesting time on the 5/7/08 agenda to conduct a public hearing to discuss the CDBG grant application for Economic Development and grant applications to CDBG for SiPro. *Committee recommends that Communication No. 08-312 be placed on file.*

**SECTION XXII****COMMUNICATION NO. 08-313**

Karen Byrnes, Director Community Development Department, requesting time on the 5/7/08 agenda to conduct a public hearing to discuss the CDBG grant application for economic development and grant applications to CDBG for Chafin-Fuhrlander. *Committee recommends that Communication No. 08-313 be placed on file.*

**SECTION XXIII****COMMUNICATION NO. 08-314**

Dan Dennehy, Assistant Public Works Director, requesting permission to conduct a bid opening 5/7/08 for the purpose of awarding the demolition, removal and disposal of sidewalks and furnishing new concrete sidewalks and curbs at various locations. *Committee recommends that Communication No. 08-314 be placed on file.*

**SECTION XXIV****COMMUNICATION NO. 08-319**

Dan Dennehy, Assistant Public Works Director, requesting time on the 5/14/08 agenda to conduct a bid opening for materials/products for water distribution mains. *Committee recommends that Communication No. 08-319 be placed on file.*

**SECTION XXV****COMMUNICATION NO. 08-320**

Rob Macioroski, Director Land Office, requesting council direct County Attorney to prepare the resolution and deed for transfer of co-owned property to the appropriate parties. *Committee recommends that Communication No. 08-320 be held for resolution.*

**SECTION XXVI****COMMUNICATION NO. 08-330**

Brendan R. McDonough, Festival Coordinator, requesting various street closures For the 70<sup>th</sup> Annual National Folk Festival 7/11/08. *Committee recommends that Communication No. 08-330 be held in abeyance.*

**SECTION XXVII****COMMUNICATION NO. 08-342**

Bob LeCoure, Club Boxing, Inc., requesting permission to hold a free boxing Event during Evel Knievel Days 2008 at Emma Park 7/24/08 from 8 PM till 10 PM. *Committee recommends that Communication No. 08-342 be held in abeyance.*

**SECTION XXVIII****COMMUNICATION NO. 08-349**

Michele Miles, President World Museum of Mining, requesting consolidation of count wide mine yard assets and schedule a presentation for 5/14/08. *Committee recommends that Communication No. 08-349 be referred to Chief Executive Babb for creation of an ad Hoc Committee of commissioners and staff and place on file.*

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

We, your Finance and Budget Committee, respectfully recommend as follows:

Lee Phillips, Director Butte-Silver Bow Public Library, requesting a budget increase in the amount of \$5,756,000 to be added to the General Fund line item.  
***Committee recommends approval and place on file.***

John P. Walsh, Sheriff, requesting approval of line item budget transfers.  
*Committee recommends approval and place on file.*

John P. Walsh, Sheriff, requesting approval of line item budget transfers.  
*Committee recommends approval and place on file.*

Rick Larson, Health Department Director, requesting approval of line item budget transfer. *Committee recommends approval and place on file.*

Ellen Crain, Archives Director, requesting approval of line item budget transfers.  
*Committee recommends approval and place on file.*

John C. Van Daveer, Public Works Director, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

John C. Van Daveer, Public Works Director, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION VIII****COMMUNICATION NO. 08-285**

Mary M. McMahon, Clerk and Recorder, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION IX****COMMUNICATION NO. 08-286**

R. M. McCarthy, County Attorney, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION X****COMMUNICATION NO. 08-287**

Debra Williams, Judge, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XI****COMMUNICATION NO. 08-288**

Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XII****COMMUNICATION NO. 08-289**

Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XIII****COMMUNICATION NO. 08-290**

Edward A. Heard, Superintendent of Schools, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XIV****COMMUNICATION NO. 08-291**

Toby Day, Extension Agent, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XV****COMMUNICATION NO. 08-292**

Roger Ebner, DES, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XVI****COMMUNICATION NO. 08-293**

Lee Phillips, Library Director, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XVII                      COMMUNICATION NO. 08-294**

John VanDaveer, Director Public Works Department, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XVIII                      COMMUNICATION NO. 08-295**

John VanDaveer, Director Public Work Department, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XIX                      COMMUNICATION NO. 08-296**

Ellen Crain, Archives Director, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XX                      COMMUNICATION NO. 08-297**

Gary Keeler, Transit Director, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXI                      COMMUNICATION NO. 08-298**

Jeff Miller, Director Fire Services, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXII                      COMMUNICATION NO. 08-299**

Karen Byrnes, Director Community Development Department, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXIII                      COMMUNICATION NO. 08-300**

Karen Byrnes, Director Community Development Department, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXIV                      COMMUNICATION NO. 08-301**

Rob A. Macioroski, Director Land Records, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXV                      COMMUNICATION NO. 08-302**



Todd Hoar, Developmentally Disabled, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXVI                      COMMUNICATION NO. 08-303**

John VanDaveer, Public Works Director, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXVII                      COMMUNICATION NO. 08-304**

Gary Keeler, Transit Director, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXVIII                      COMMUNICATION NO. 08-305**

Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXIX                      COMMUNICATION NO. 08-306**

Jon Sesso, Planning Director, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXX                      COMMUNICATION NO. 08-315**

Sally Perino, Parking Director, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXXI                      COMMUNICATION NO. 08-316**

John P. Walsh, Sheriff, requesting approval of line item budget transfer. *Committee recommends approval and place on file.*

**SECTION XXXII                      COMMUNICATION NO. 08-329**

Arlene Spear, City Court, requesting approval of line item budget transfers. *Committee recommends approval as amended and place on file.*

**SECTION XXXIII                      COMMUNICATION NO. 08-332**

John P. Walsh, requesting approval of line item budget transfers *Committee recommends approval and place on file.*

**SECTION XXXIV                      COMMUNICATION NO. 08-333**

Robert M. McCarthy, County Attorney, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXXV                      COMMUNICATION NO. 08-335**

Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers *Committee recommends approval and place on file.*

**SECTION XXXVI                      COMMUNICATION NO. 08-336**

John VanDaveer, Public Works Director, requesting approval of line item budget transfers. *Committee recommends approval and place on file.*

**SECTION XXXVII                      COMMUNICATION NO. 08-337**

John Harrington, Building Official, requesting to reopen street closure Petition No. 08-3 Jack and Helen McCloskey. **Note: this communication was moved to Public Works Committee**

**SECTION XXXVIII                      COMMUNICATION NO. 08-345**

John P. Walsh, Sheriff, requesting approval of line item budget transfers *Committee recommends approval and place on file.*

**SECTION XXXIX                      EXPENDITURE APPROVAL**

**5/7/08    \$798,863.20**  
*Committee recommends approval.*

**5/14/08    \$531,103.62**  
*Committee amended, excluding Claim 10115 in the amount of \$35,800*

*Committee recommends as approved    \$495,303.62*

**JUDICIARY COMMITTEE MEETING REPORT  
MAY 14, 2008**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

**SECTION I                    COUNCIL RESOLUTION NO. 08-26**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS A PARCEL OF GROUND IN THE RAVIN ADDITION, BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 08-26 be placed on final reading and passed.*

**SECTION II                    COUNCIL RESOLUTION NO. 08-28**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE HOMESTAKE MEADOWS PHASE II MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 08-28 be placed on final reading and passed*

**SECTION III                    COUNCIL RESOLUTION NO. 08-31**

A RESOLUTION RELATING TO \$7,500,000 GENERAL OBLIGATION BONDS, SERIES 2008; AUTHORIZING THE ISSUANCE AND CALLING FOR PUBLIC SALE THEREOF. *Committee recommends that Council Resolution No. 08-31 be placed on final reading and passed as amended.*

**SECTION IV                    COUNCIL RESOLUTION NO. 08-32**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING

UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF COMMERCE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE OF INFRASTRUCTURE IMPROVEMENTS TO THE BUTTE EMERGENCY FOOD BANK BUILDING AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 08-32 be placed on final reading and passed.*

## SECTION V

## CLAIM APPROVAL

9372	Michael Reilly	\$6,008.03	Redeem Tax Assg.
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*Committee approved claim #9372 for payment.*



34 of the Clarks Addition. *Committee recommends to hold Petition No. 08-6 in abeyance.*

## **SECTION VI**

### **PETITION NO. 08-7**

John Harrington, Building Official, requesting on behalf of Galena Street LLC to close and vacate a portion of undeveloped E. Galena Street and alley within Lots on Yellow Jack Lode, Block 3 and portion of Ohio Avenue in Kings Addition #2, Block 7. *Committee recommends to hold Petition in abeyance. Utility & BSB Department responses in with no conflicts or easement issues. Requests a public hearing be set. Metro sewer easement required.*

## **SECTION VII**

### **PETITION NO. 08-8**

John Harrington, Building Official, requesting on behalf of Jimmy Cecil, LLC to close and vacate a portion of Eagle Street and two alleys within Blocks 15 and 20 in the Northern Pacific Addition. *Committee recommends a public hearing be scheduled. All utility and BSB department responses are in and there are no conflicts.*

## **SECTION VIII**

### **COMMUNICATION NO. 08-95**

Virginia Hanson, Risk Management Coordinator, requesting traffic study be conducted by MDOT on Continental Drive from East Lake to Four Mile Road. *Committee recommends that Communication No. 08-95 be held in abeyance.*

## **SECTION IX**

### **COMMUNICATION NO. 08-133**

Rocko Mulcahy, Commissioner District 12, requesting an evaluation be conducted to determine needed road improvements throughout general areas of Browns Gulch. *Committee recommends that Communication No. 08-133 be held in abeyance.*

## **SECTION X**

### **COMMUNICATION NO. 08-134**

Rocky Mulcahy, Commissioner District 12, requesting refer to Public Works Committee to address concerns about the South Rocker Road. *Committee recommends that Communication No. 08-134 be held in abeyance.*

## **SECTION XI**

### **COMMUNICATION NO. 08-135**

Rocko Mulcahy, Commissioner District 12, requesting refer to Public Works Committee to address concerns submitted by the Rocker Ladies Auxiliary. *Committee recommends that Communication No. 08-135 be held in abeyance.*

**SECTION XII****COMMUNICATION NO. 08-136**

Rocko Mulcahy, Commissioner District 12, requesting refer to Public Works Committee to evaluate Battle Ridge Road for needed maintenance and improvements. *Committee recommends that Communication No. 08-136 be held in abeyance.*

**SECTION XIII****COMMUNICATION NO. 08-137**

Wally Frasz, Commissioner District #6, requesting a traffic study be done where Rowe Road turns into Holmes Avenue and also the Intersection of Lexington and Rowe Road. *Committee recommends that Communication No. 08-137 be held in abeyance.*

**SECTION XIV****COMMUNICATION NO. 08-194**

Eric C. Leber, requesting traffic control signs in Warren Heights and adjacent subdivision. *Report from Public Works recommended that traffic control sign request be turned down. Committee agreed with recommendation to deny and place Communication No. 08-194 on file.*

**SECTION XV****COMMUNICATION NO. 08-250**

Clara Hartz, requesting to name the road in front of her property “Hartz Meadows”. *Planning Department has already recommended that address request not be granted. Committee recommends that Communication No. 08-250 be denied and placed on file.*

**SECTION XVI****COMMUNICATION NO. 08-337**

John Harrington, Building Official, requesting re-open street closure Petition No. 08-3, Jack and Helen McCloskey. *Committee recommends that a public hearing be scheduled for Petition No. 08-3.*

